THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.20223 OF 1997

DATED: 07-02-2007

Between :

Smt. K. Reddemma ... Petitioner

And

1. The Joint Collector, Chittoor District., Chittoor., and another. ... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.20223 OF 1997

ORDER :

This writ petition is filed questioning the order passed by the Joint Collector, Chittoor dated 30-7-1997 and for consequential direction to grant house site patta to the petitioner in respect of 5 cents of land situated in Sy.No.297/1 of Bandameedakammapalle, Madanapalle Mandal, Chittoor District.

The petitioner claims to be the daughter-in-law of late K. Narasimha Reddy, a Freedom Fighter. During the lifetime of K. Narasimha Reddy, an application was made for grant of house site patta in Sy.No.297/1 to an extent of 5 cents in Bandameedakammapalle village. The same was recommended by the concerned authorities and ultimately by proceedings dated 19-10-1993 the Revenue Divisional Officer, Madnapalle directed the Mandal Revenue Officer to grant house site in favour of the petitioner's husband, being legal heir of late K. Narasimha Reddy, a freedom fighter.

However, since no further steps were taken, the petitioner's husband filed W.P.No.1081 of 1994 seeking a declaration that the inaction on the part of the respondent is arbitrary and illegal. Pending the said writ petition, this Court directed the official respondents not to grrant the land in question to any third party. Subsequently, the petitioner's husband made a

representation dated 28-3-1997 requesting for grant of patta in his favour in terms of the proceedings of the Revenue Divisional Officer, dated 19-10-1993. Strangely, the 2nd respondent passed the impugned order dated 30-7-1997 stating that in view of G.O.Ms.No.185, Revenue (Assignment) Department, dated 11-3-1997 the freedom fighters alone are entitled for assignment of house site pattas.

Aggrieved by the same, this writ petition is filed contending inter alia that the said G.O.Ms.No.185, dated 11-3-1997 cannot be made applicable to the petitioner since their claim for grant of house site patta is based on recommendation of the Revenue Divisional Officer, Mandanapalle, dated 19-10-1993.

Though Rule Nisi was ordered on 27-8-1997, no counter-affidavit is filed by the respondents opposing the prayer in the writ petition.

Having heard the learned Counsel for the petitioner and having perused the material on record, it is clear that the Revenue Divisional Officer, Madanapalle recommended for grant of house site patta in favour of the petitioner's husband as long back as on 19-10-1993. In the said proceedings, the Mandal Revenue Officer was directed to issue house site patta after observing the required formalities under BSO.21.

It is not the case of the 2nd respondent that the plea of the petitioner that her father-in-law was a freedom fighter is incorrect, but he declined to grant house site patta on the basis of a subsequent order i.e., G.O.Ms.No.185, dated 11-3-1997. Such action which is nothing but reviewing the order of the Revenue Divisional Officer, dated 19-10-1993 is impermissible and

therefore the impugned order is illegal.

Accordingly the impugned order is set aside and the Writ Petition is disposed of with a direction to the 2nd respondent to take appropriate further steps in terms of the proceedings of the Revenue Divisional Officer, dated 19-10-1993 in accordance with law within a period of 3 months from the date of receipt of this order. No costs.

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G. ROHINI,J.

Dt. 7-2-2007

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